

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARK HAGERMAN,

Plaintiff,

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CORNUTT, *et al.*,

Defendants.

Case No. 2:23-cv-00491-APG-DJA

ORDER ON MOTION TO EXCLUDE AND MISCELLANEOUS MOTION

(ECF Nos. 19, 21)

Before the Court is Plaintiff Mark Hagerman’s (“Plaintiff”) Second Motion to Exclude Case from Mediation. (ECF No. 19.) In response to the Court’s order denying Plaintiff’s First Motion to Exclude the Case from Mediation (ECF No. 14), Plaintiff filed the instant motion. In his motion, Plaintiff states that he has attempted mediation in the past, and he is now ready to litigate this case. (ECF No. 19 at 1-2.) Defendants have filed a joint notice of appearance in this case, and they opposed Plaintiff’s first motion to exclude. (ECF No. 16 at 2.) However, they have not responded to Plaintiff’s second motion to exclude. In addition, Plaintiff filed a motion listing a series of settlement demands. (ECF No. 21 at 1-2.) If Plaintiff does not obtain his demands, he requests that the Court exclude this case from mediation. (*Id.* at 1.)

The Court reiterates that in its extensive experience with the mediation and settlement conference process, parties would frequently express pessimism that their case had any chance of settlement. Yet, on numerous occasions, the parties were indeed able to come to an accord and successfully resolve their dispute. Certainly not all the cases settled, but many did. Even if this case does not settle, there is nevertheless a benefit to the parties by exploring and addressing the strengths and weaknesses of their claims and defenses. From the perspective of the Defendants, the discussion may shed light on potentially errant policies and procedures and possibly allow corrective action to be undertaken.

Therefore, to further the interests of justice, this matter will proceed to the Inmate Early Mediation Program in accordance with the Court's screening order. (ECF No. 11.) Plaintiff's Second Motion to Exclude the Case from Mediation (ECF No. 19) is **DENIED**.

It is further ordered that Plaintiff's motion requesting settlement demands (ECF No. 21) is **DENIED**. If Plaintiff wishes to raise these demands in the mediation conference, he is free to do so.

DATED this 8th day of September 2023.

2023.

UNITED STATES MAGISTRATE JUDGE